

**SA 2235.** Mr. KELLY (for himself, Mr. CRUZ, Mr. BURR, Mr. HICKENLOOPER, and Ms. CORTEZ MASTO) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title I of division A, add the following:

**SEC. 115. HIGHWAY FORMULA MODERNIZATION STUDY.**

(a) **IN GENERAL.**—The Secretary, in consultation with the State departments of transportation and representatives of local governments (including metropolitan planning organizations), shall conduct a highway formula modernization study to assess the method and data used to apportion Federal-aid highway funds under subsections (b) and (c) of section 104 of title 23, United States Code, and issue recommendations relating to that method and data.

(b) **ASSESSMENT.**—The highway formula modernization study required under subsection (a) shall include an assessment of, based on the latest available data, whether the apportionment method described in that subsection results in—

(1) an equitable distribution of funds based on the estimated tax payments attributable to—

(A) highway users in the State that are paid into the Highway Trust Fund; and

(B) individuals in the State that are paid to the Treasury, based on contributions to the Highway Trust Fund from the general fund of the Treasury; and

(2) the achievement of the goals described in section 101(b)(3) of title 23, United States Code.

(c) **CONSIDERATIONS.**—In the assessment under subsection (b), the Secretary shall consider the following:

(1) The factors described in sections 104(b), 104(f)(2), 104(h)(2), 130(f), and 144(e) of title 23, United States Code, as in effect on the date of enactment of SAFETEA-LU (Public Law 109-59; 119 Stat. 1144).

(2) The availability and accuracy of data necessary to calculate formula apportionments under the factors described in paragraph (1).

(3) The measures established under section 150 of title 23, United States Code, and whether those measures are appropriate for consideration as formula apportionment factors.

(4) Any other factors that the Secretary determines are appropriate.

(d) **RECOMMENDATIONS.**—The Secretary, in consultation with the State departments of transportation and representatives of local governments (including metropolitan planning organizations), shall develop recommendations on a new apportionment method, including—

(1) the factors recommended to be included in the new apportionment method;

(2) the weighting recommended to be applied to the factors recommended under paragraph (1); and

(3) any other recommendations to ensure that the new apportionment method best achieves an equitable distribution of funds described under subsection (b)(1) and the goals described in subsection (b)(2).

**SA 2236.** Mr. WYDEN (for himself and Mr. BROWN) submitted an amendment

intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 1225, strike lines 5 and 6 and insert the following:

(3) in subparagraph (E) of paragraph (2) (as so redesignated)—

(A) by striking “and the installation” and inserting “, the installation”; and

(B) by inserting “, and bikeshare projects” after “public transportation vehicles”; and

(4) in subparagraph (G) of paragraph (4) (as

**SA 2237.** Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

In section 40901, strike paragraphs (11) and (12) and insert the following:

(11) \$100,000,000 for multi-benefit projects to improve watershed health in accordance with section 40907;

(12) \$50,000,000 for endangered species recovery and conservation programs in the Colorado River Basin in accordance with—

(A) Public Law 106-392 (114 Stat. 1602);

(B) the Grand Canyon Protection Act of 1992 (Public Law 102-575; 106 Stat. 4669); and

(C) subtitle E of title IX of the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 123 Stat. 1327); and

(13) \$500,000,000 for rural water supply projects that serve Indian Tribes under the rural water supply program under section 103 of the Rural Water Supply Act of 2006 (43 U.S.C. 2402), with priority to be given to funding rural water supply projects that respond to emergency situations in which a lack of access to clean drinking water threatens the health of a Tribal population.

**SA 2238.** Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II of division D, insert the following:

**SEC. 402. CRITICAL MINERAL MINING PROGRAM.**

(a) **DEFINITIONS.**—In this section:

(1) **CRITICAL MINERAL.**—The term “critical mineral” has the meaning given the term in section 7002(a) of the Energy Act of 2020 (30 U.S.C. 1606(a)).

(2) **ELIGIBLE ENTITY.**—The term “eligible entity” means an entity engaged in or intending to engage in—

(A) the mining, processing, refining, alloying, separating, smelting, concentrating, or beneficiating of critical minerals or the reprocessing or recycling of mine tailings, smelter or refinery slags, or residues; or

(B) any other value-added, mining-related, manufacturing-related, or processing-related use of critical minerals undertaken within the United States.

(3) **ELIGIBLE MINERAL.**—The term “eligible mineral” means each of the critical minerals identified by the Secretary and the Secretary of Defense under subsection (b)(2)(A).

(4) **PROGRAM.**—The term “program” means the competitive grant program established under subsection (b)(1).

(5) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(b) **PROGRAM ESTABLISHMENT.**—

(1) **IN GENERAL.**—The Secretary, in coordination with the Secretary of Defense, shall establish a program to use amounts from the Defense Production Act Fund under section 304 of the Defense Production Act of 1950 (50 U.S.C. 4534) to award competitive grants to eligible entities for the processing, refining, alloying, separating, smelting, concentrating, or beneficiating of eligible minerals.

(2) **DETERMINATION; IDENTIFICATION.**—

(A) **ELIGIBLE MINERALS.**—Not later than 1 year after the date of enactment of this Act, the Secretary and the Secretary of Defense, in coordination with the National Economic Council, shall jointly identify 10 critical minerals that are the most critical for manufacturing.

(B) **SUITABLE LOCATIONS.**—The Secretary, in coordination with the Secretary of Defense, shall identify Federal and non-Federal land for which it is economically feasible and environmentally sound to mine the eligible minerals.

(3) **SELECTION.**—

(A) **APPLICATIONS.**—An eligible entity seeking a grant under the program shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(B) **SELECTION CRITERIA.**—In awarding grants under the program, the Secretary shall only award grants to eligible entities that—

(i) have documented interests in constructing, expanding, or modernizing facilities that carry out an activity or use described in subparagraph (A) or (B) of subsection (a)(2); and

(ii) in the determination of the Secretary of Defense, in coordination with the Secretary, demonstrate strong labor protections, including prevailing wage requirements.

(4) **USE OF FUNDS.**—A grant under the program may be used for the environmental assessment, processing, mitigation, and clean-up necessary to mine, process, refine, alloy, separate, smelt, concentrate, or beneficiate eligible minerals on the Federal and non-Federal land identified under paragraph (2)(B).

(5) **ENVIRONMENTAL LAWS.**—In carrying out activities using a grant under the program, an eligible entity shall comply with—

(A) all applicable environmental laws (including regulations); and

(B) any other environmental standards determined to be necessary by the Secretary.

(6) **FUNDING.**—Notwithstanding any other provision of law, of the amounts available in the Defense Production Act Fund under section 304 of the Defense Production Act of 1950 (50 U.S.C. 4534), the Secretary, in coordination with the Secretary of Defense, may use